

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MIGUEL A. CISNEROS,

Petitioner,

v.

JIM ROBERTSON,

Respondent.

Case No. [20-cv-07861-HSG](#)

**ORDER DENYING REQUEST FOR
RECONSIDERATION**

Re: Dkt. No. 20

Petitioner, an inmate at Pelican Bay State Prison, filed this *pro se* action seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has filed a motion requesting that the Court reconsider its March 25, 2021 Order Denying Petitioner's Request to Add a Statement of Additional Grounds. Dkt. No. 20. The Court construes this motion as requesting leave of court to file a motion for reconsideration.¹ For the reasons set forth below, Petitioner's request is DENIED.

In seeking leave of court to file a motion for reconsideration, the moving party must show *inter alia* a manifest failure by the Court to consider material facts or dispositive legal arguments which were presented to the Court before such interlocutory order. N.D. Cal. L. R. 7-9(b). Petitioner has not made this showing. The Court properly denied Petitioner leave to separately add a statement of additional grounds because all grounds for habeas relief must be presented in the operative petition. Dkt. No. 14. Currently the operative petition is docketed at Dkt. No. 1. If Petitioner believes that there are additional grounds for federal habeas relief that are not presented


¹ Local Rule 7-9 requires parties to first obtain leave of court before a party may file a motion for reconsideration of any interlocutory order (i.e., an order entered before the entry of a judgment adjudicating all of the claims and the rights and liabilities of all the parties in a case). N.D. Cal. L.R. 7-9.

1 in the operative petition, he should file an amended petition that sets forth all his claims for federal
2 habeas relief, including the claims already found cognizable. In other words, all of Petitioner's
3 claims for federal habeas relief should be presented in the same pleading, and not in various
4 pleadings scattered throughout the docket. The Court will consider all arguments made in the
5 operative petition, but only the arguments set forth in the operative petition. The Clerk is directed
6 to send Petitioner two blank copies of the Court's form habeas petition.

7 This order terminates Dkt. No. 20.

8 **IT IS SO ORDERED.**

9 Dated: 5/28/2021

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11 HAYWOOD S. GILLIAM, JR.
12 United States District Judge
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